



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 www.uspto.gov

QUINE INTELLECTUAL PROPERTY  
 LAW GROUP, P.C.  
 P O BOX 458  
 ALAMEDA CA 94501

In re Application of	:	
LEE, Luke P., et al.	:	
Application No.: 10/598,830	:	DECISION
PCT No.: PCT/US2005/008349	:	
Int. Filing Date: 14 March 2005	:	ON PETITION UNDER
Priority Date: 12 March 2004	:	
Docket No.: 313S-300811US	:	37 CFR 1.47(a)
For: METHODS AND APPARATUS FOR	:	
INTEGRATED CELL HANDLING	:	
AND MEASUREMENTS	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 13 August 2009.

### **BACKGROUND**

On 13 February 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and additional claims fees were required.

On 13 August 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

### **DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (3) have been met. The balance of the \$200 petition fee will be charged to deposit account no. 50-0893, as authorized. Applicant states the last known address of Luke P. Lee as 5 Meadow Court; Orinda, CA 94563 and of Jeonggi Seo as 1137 Talbot Avenue, #3; Albany, CA 94706.

Item (2) has not been satisfied. It is not clear that the non-signing inventors have received a complete copy of the application papers, including the declaration for this application.

If Mr. Seo has acknowledged receipt of the papers for this application and will not sign, please state the details of that conversation. Similarly, some evidence of actual receipt of the papers by Mr. Lee is required for proof of refusal to sign.

Item (4) has not been satisfied. A review of the declaration of the inventors reveals non-initialed, non-dated alterations made in ink to the information of Robin Shaw. MPEP 605.04(a). A new oath or declaration from Robin Shaw is required.

### CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459